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Community Development Department

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Village of Westmont Planning and Zoning Commission August 17, 2016 - Minutes

The Village of Westmont Planning and Zoning Commission held a special meeting on Wednesday, August 17, 2016 at 7:00pm, at the Westmont Village Hall, 31 W. Quincy Street, Westmont, Illinois 60559.

Chair Ed Richard led in the following:

(1) Call to Order

(2) Roll Call

In attendance: Chair Ed Richard, Commissioners Craig Thomas, Gregg Pill, Thomas Sharp, Janis Bartel, Doug Carmichael, Secretary Wallace Van Buren, Community Development Director Jill Ziegler, Planner Joseph Hennerfeind

Absent: NONE.

(3) Pledge of Allegiance.

(4) Swearing in of testifying attendees and reminder to sign in.

(5) Reminder to silence all electronic devices.

(6) Open Hearing

Old Business

PZ 16-019 Peak Custom Homes LLC regarding the properties located at 224 and 226 West Burlington Avenue, Westmont, IL 60559 for the following:

(C) Site and Landscaping Plan approval to build two new single-family semi-detached dwellings.

PRESENTATION: Demetrios Panos presented the changes that they made to their architecture plan since last meeting:

1. Changed to a two brick facade
2. Added a dormer at roof
3. Set back sides in elevation
4. Peppering of stone in brick
5. Limestone sill at bottom of base window
6. Added a bay window to right unit
7. Revised the roof elevation
8. Shake siding above the elevation to tie units together
9. Update front doors
10. Added keystones at front door

They spent a lot of time with architect to make it more appealing.

STAFF COMMENT: Hennerfeind stated that the variances were approved at last meeting but site plan was delayed. Applicant did work with staff back and forth for last two weeks.

PUBLIC COMMENT: None.

COMMISSIONER COMMENT:

Bartel: commended them for the work they did, supportive.

Sharp: appreciates the changes but suggested adding something to the windows.

Thomas: thanked them for the effort to make the changes.

Pill: thanked them for the updates, but mentioned two items, 1. Windows are bare, 2. Two toned brick may not be best choice, maybe should be unified.

Van Buren: supportive of changes.

Carmichael: supportive of changes.

Richard: thanked them for their changes, suggested changes to western window.

MOTION C

Motion to recommend to the Village Board of Trustees to approve to a Site and Landscaping Plan approval to build two new single-family semi-detached dwellings.

Motion by: Pill

Second by: Bartel

VOTING C

Van Buren--Yes

Sharp--Yes

Thomas--Yes

Bartel--Yes

Carmichael--Yes

Pill--Yes

Richard--Yes

Motion passed.

PZ 16-011 The Harp Group, Inc. regarding the property located at 3500 Midwest Road, Oak Brook, IL 60523 for the following:

(A) Map Amendment request to rezone from B-3 Special Business District to a Planned Development Overlay District in the underlying B-3 Special Business District with the following exceptions from the Zoning Code:

1. Exception to increase the maximum FAR for an 18 acre land area.
2. Exception to the minimum lot area required for a multiple family residential construction for an 18 acre land area.

3. Such other waivers as may be necessary to facilitate the development of the 18 acre parcel.

(B) Special Use Permit request to permit residential dwelling units in the B-3 Special Business District.

(C) Zoning Code Variance request to increase the maximum number of signs permitted in the B-3 Special Business District for an 18 acre land area.

(D) Preliminary Concept Plan approval for the new construction of a natatorium and a multi-family residential apartment building including a site and landscaping plan for an 18 acre land area.

(E) Preliminary Plat of Subdivision approval for an 18 acre land area.

Motion to reopen the public hearing.

Motion by: Pill

Second by: Carmichael

VOTING

Van Buren--Yes

Sharp--Yes

Thomas--Yes

Bartel--Yes

Carmichael--Yes

Pill--Yes

Richard--Yes

Motion passed.

PRESENTATION: Peter Dumon thanked everyone for their time. He mentioned that they have heard the commission's concerns and tried to address them. As of June 15, they had 326 units and 1257 total parking spaces. As of August 17, they are proposing 250 units and increase in parking spaces to 1781 even though demand reduced due to reduced number of units. They have eliminated the subdivision of Lot 5, the building is now a 6 story building with enhanced architecture and an overall reduction of the FAR. They have committed to a green roof and growing crops on the roof which will be utilized on site. They are designing the building for LEED certification as well, which would be first LEED certified building in Westmont.

Rick Falwell presented that they have made a number of changes, reducing size, increasing parking, increasing open space based on comments that were made in the previous meetings. The roof improvements were always consideration but are more solidified now that the project is further along in process and an integral part of qualifying for LEED certification. They have looked into also making the building much more efficient which will help with the LEED certification and they feel they will be able to achieve silver or gold, possibly platinum level of certification. They have spent more time on the look of the approach and the landscaping aspects. They have added sidewalks to Cass Avenue, have addressed lighting concerns, no light pollution, they have created an additional roundabout to create distinct paths for hotel vs. residential. They supplied renderings of the apartment units and also a list of the amenities which provide a high quality luxury experience for the residents, which include great room area, pool with cabanas, theater. The 1300 spaces in the parking garage will provide protected parking. They will still provide shuttle service, bike maintenance & parking within the garage and zip cars plus charging stations.

MaryAnn Kaufman stated her family is looking to build the natatorium in Westmont. She mentioned the success of the US swim team this year at the Olympics. The benefits to children and adults of a swim center are tremendous. Athletes within and outside of Westmont will benefit from this addition.

Dumon mentioned that the amenities though more expensive will make the facility more appealing, car

washing, electric car charging stations, etc. They have done their best to address all of the concerns that were presented at the last meetings, including parking, landscaping, density, architecture, efficiency count, building height, subdivision, sidewalks to Cass Avenue, proposed walking path and added the green roof. Great for the community, tax revenue, great for schools, great for Westmont. He thanked the individuals and organizations that have supported the project and the commission for their time.

STAFF COMMENT: Hennerfeind highlighted the changes since last meetings. The exception for increased FAR and minimal lot are still there, the parking variance is no longer required by code, the special use permit for residences, the zoning code for signage, and the prelim plat of subdivision are all still included. The bulk of the building was 7 stories now only 6, the parking garage will have 7 but one floor underground, so overall bulk of the size has been reduced. The applicant has agreed to have some agreements proposed, ballroom restrictions during natatorium events, no development on golf course, replacing of tent structure and replaced with permanent structure. Staff has recommended added language on the green roof and the maintenance of that space and keeping that space for use by residents. Staff requesting that there be some measures be put into place to outline requirements if one of the structures was not built that the other requirements, parking requirements or landscaping would be met. The major change to apartments was to the number of units reducing the FAR, based on unit mix they would still be 15 acres deficient on the open space. They adjusted the mix of the type of apartment units so only 6% are studios. He discussed signage on building and they increased signage request to 18 signs, they added some retail awning signage. Parking variance no longer needed. As in last meetings hotel, conference center, etc is one section as an existing use with 965 spaces. The natatorium is another section, based on code is a requirement of 280 spaces, based on 1400 seats. For the multi family parking 403 and retail parking needed 23 spaces. So based on code 1671 would be needed, they are proposing 1781 so they actually have a surplus of 110 spaces. Staff did include their comments on the preliminary site plan in the packets. They have provided sidewalks to Cass, a landscape feature, the parking lot to west no longer not being subdivided and the reduction of the bulk of the building down to 6 stories.

PUBLIC COMMENT: Tom Pincter, resident, stated that his concern is the financial risk for this venture. He feels if the project is successful the entire Village would benefit. However, there are 43 homes that would diminish in value. But he asked what happens if it is not successful. He asked about what the effect of the construction will have on the current hotel traffic. He speculated that the Hilton contribution to the Village may be currently 50% of the revenue for hotel/motel and what happens if the project fails, how would that affect the village. He mentioned that the cost of the purchase is 99% financed. He asked the commission to consider the downstream effect if the projects fails.

Scott Day, representing the Residences at Oakbrook Hills subdivision, stated that they don't agree that the Village has the lawful authority to approve this project. They submitted additional reports to the commission and the Village. They contacted both attorneys for the Village and the development regarding the legal dispute and a meeting was never granted. They have documents that they are requesting be part of the legal documents for this meeting so they are included in the permanent record for the meeting.

Kevin Gallaher, attorney, and Joe Regis, Robert E Hamilton Partners, discussed parking spaces. Regis stated that the parking space changes addressed some of the issues, but does not address all of the traffic the natatorium would produce. He feels there is a disconnect between the information for these events and that accurate number of spaces be generated based on this data. His opinion is still that they are 100 spaces short. Under normal conditions, Regis agrees with Village that the parking is adequate. He feels with special events it would be 100+ parking spaces short. He was asked if he was familiar with the KLOA study, he stated that the day they chose in February is not an accurate representation of a normal hotel day, the golf course was not open, the hotel occupancy is typically low in February, he didn't feel that the numbers were accurate. He feels that the traffic study needs to be updated to

incorporate all of the information that the number of people for the events, including coaches and officials. The traffic study needs to wrap all data into traffic control report and look at traffic management, he does not feel the report is sufficient.

Ken Rathje mentioned that he has tendered a 14 page report for the commissioners based on their comprehensive plan. He mentioned two standards, reducing rental units and the open space, that were clear and have not been met. He can only conclude that they are seeking a planned development to avoid seeking the variances they would need if it was B3. The comprehensive plan does have language regarding open space. He mentioned signage and parking if they were variations under B3 language, means that you have to follow the same for land usage, etc. He concluded that the proposal is in significant conflict with the comprehensive plan. It also does not meet the density requirements. The site needs to be about 48.5 acres. He referenced a number of specific points in the comprehensive plan that are conflicting with this proposal. He also mentioned a scenario where the golf course would be developed. He also mentioned failure to publish the public hearing. He stated that having a resort and residences in same complex is a mixed land use that will end in conflict.

Day stated that the commission needs to look at not whether the proposal is better than their previous proposals but at whether the plan is a good plan. Can the village approve this without looking at the legal issues with their own comprehensive plan? They have a legal question for easement locations and need to know the Village's response. Village Code has a final plan approved on this land, you must have all B3 owners of interest to weigh in on this issue to change an approved final plan, the homeowners being that they have easement rights have an interest in this plan and have not signed off on it, but the Village has not replied at all. The proposal is ten times more dense based on acreage than it allows in code. What is reported on FAR does not include the new conference room or permanent storage. The FAR excludes the parking deck. He cited other specifics on parking spaces and their location in the parking deck which conflicts. The revised plan does was not provided with a revised traffic report for the new number of apartment unit. He represents the homeowners whose homes will drop in value, and he feels that the approval of this project would go against the comprehensive plan. He believes the village should have a copy of the land use and copy of the ground lease, that the golf courses should be undeveloped in perpetuity. He thanked Dumon and the others for their changes in their plan but still is not a great plan. He feels this plan is to add a natatorium with having to swallow an apartment building to make it happen. He thanked everyone and just reinstated that the residents are part of Westmont and just want to protect their investment. Communities are not permitted to look the other way on their code, move forward even when the project conflicts with the comprehensive plan and the residents feel that is what is happening.

Rebuttal: Dumon disagrees with the legal points, he has a respected team of attorneys and believe their positions are fine. The hotel has been dying and needs improvements and that is their goal. He stated sometimes the worse mistakes are not doing anything at all.

James Peta, HOA president , stated he is concerned about lack of traffic study from the highway commission and the commission needs to make a decision to get them involved.

COMMISSIONER COMMENT:

Carmichael: hardest discussion he has had to hear aired in front of the board, he would like to see the property succeed but at this point he cannot support the project too dense, conflicts with village plan and building an apartment building on the parking lot of a resort is wrong.

VanBuren: realized the error of the ways back in the rental boom of having too many rental properties versus homeowners, highest ratios of rental properties of all the surrounding suburbs, cannot approve based on conflict with the plan.

Pill: has given this a lot of thought and does like the changes they have made, thinks it is an infringement on the homeowners in the area but overall benefits Westmont and is in support of the plan.

Thomas: asked if they could create a rendering to show the residents what they would see. Appreciates the reduction and supports the plan. Reply: Dumon mentioned showing a view and the landscaping at the last meeting and showed the animation.

Sharp: such a complex balance of pros and cons in weighing his decision, asked about the importance of variance, waiver, exception, etc. Attorney: if there is deviation from a zoning ordinance it is a variance, an exception is part of a planned development (which is done without findings of fact). The exceptions that are being considered are very specific to this plan and any changes would need to go back through the process. Sharp: inquired about the FAR and if a big development came into downtown and would the density issue be the same and the answer from staff was yes. Suggested the green roof be made into a dog run to still allow for open space. Feels that home values will be affected and the project does not meet the conditions of special use.

Bartel: thanked them for the concessions, and her first thoughts on the project were that Westmont does not need another apartment complex, feels the natatorium is very generous, understands the homeowners concerns and the risk factor but does feel that the benefits outweighs the risks.

Richard: he has labored over this for the past month, sees a failing business and thinks the change may help, but feels that the apartment complex within that development does not work and does not support it.

FINDING OF FACTS A

- (1) YES=3 NO=4
- (2) YES=3 NO=4
- (3) YES=3 NO=4
- (4) YES=3 NO=4

MOTION A

Motion to recommend to the Village Board of Trustees to approve to a Map Amendment request to rezone from B-3 Special Business District to a Planned Development Overlay District in the underlying B-3 Special Business District with the following exceptions from the Zoning Code:

1. Exception to increase the maximum FAR for an 18 acre land area.
2. Exception to the minimum lot area required for a multiple family residential construction for an 18 acre land area.
3. Such other waivers as may be necessary to facilitate the development of the 18 acre parcel.

Motion by: Pill

Second by: Thomas

VOTING A

Van Buren--No

Sharp--No

Thomas--Yes

Bartel--Yes

Carmichael--No

Pill--Yes

Richard--No

Motion did not pass.

FINDING OF FACTS B

- (1) YES=3 NO=4
- (2) YES=3 NO=4
- (3) YES=3 NO=4
- (4) YES=3 NO=4
- (5) YES=3 NO=4
- (6) YES=3 NO=4

MOTION B

Motion to recommend to the Village Board of Trustees to approve to a Special Use Permit request to permit residential dwelling units in the B-3 Special Business District.

Motion by: Thomas

Second by: Bartel

VOTING B

Van Buren--No

Sharp--No

Thomas--Yes

Bartel--Yes

Carmichael--No

Pill--Yes

Richard--No

Motion did not pass.

FINDING OF FACTS C

- (1) YES=3 NO=4
- (2) YES=3 NO=4
- (3) YES=3 NO=4

MOTION C

Motion to recommend to the Village Board of Trustees to approve to a Zoning Code Variance request to increase the maximum number of signs permitted in the B-3 Special Business District for an 18 acre land area.

Motion by: Bartel

Second by: Thomas

VOTING C

Van Buren--No

Sharp--No

Thomas--Yes

Bartel--Yes

Carmichael--No

Pill--Yes

Richard--No
Motion did not pass.

MOTION D

Motion to recommend to the Village Board of Trustees to approve to a Preliminary Concept Plan approval for the new construction of a natatorium and a multi-family residential apartment building including a site and landscaping plan for an 18 acre land area.

Motion by: Pill
Second by: Thomas

VOTING D

Van Buren--No
Sharp--No
Thomas--Yes
Bartel--Yes
Carmichael--No
Pill--Yes
Richard--No
Motion did not pass.

MOTION E

Motion to recommend to the Village Board of Trustees to approve to a Preliminary Plat of Subdivision approval for an 18 acre land area.

Motion by: Bartel
Second by: Thomas

VOTING E

Van Buren--No
Sharp--No
Thomas--Yes
Bartel--Yes
Carmichael--No
Pill--Yes
Richard--No
Motion did not pass.

(8) Motion to adjourn.

Motion by: Sharp
Second by: Pill

Meeting adjourned 9:07pm.